

#### **§ 650.94**

or modification of existing parking facilities which results in a net increase of 250 or more spaces when construction commences after January 1, 1975 or when a construction contract is signed after January 1, 1975. The basic references for State implementation plans and Transportation Control Plans are 40 CFR part 51 and 40 CFR part 52 respectively.

(b) At the request of the installation commander, such reviews may be coordinated with the Regional EPA office by the supporting Corps of Engineers District Office.

#### **§ 650.94 Consent agreements.**

(a) A consent agreement is required for each existing fixed source of air pollution which exceeds applicable standards. The consent agreement must contain a compliance schedule which contains a chronological list of dates (milestones) for each major action to be completed within the overall plan to bring a polluting source into compliance.

(b) Consent agreements are negotiated by installation representatives with EPA Regional Offices and State air pollution control authorities. Once approved by EPA, the specified date when the facility will comply with air emission standards becomes legally binding on the installation commander. Further, the installation is required to inform the appropriate EPA Regional Office and State authority in writing of any foreseen delays in meeting the intermediate dates contained in the compliance schedule and the reasons therefore prior to the scheduled completion date. When it becomes apparent that the ultimate compliance date cannot be met for reasons beyond the control of the installation commander, a revised consent agreement should be renegotiated. In such cases the EPA Regional Administrator will be notified as soon as possible. If renegotiation of a compliance schedule is rejected by EPA, the installation commander may forward a request for an exemption (§650.95) from compliance from standards when continued operation of the facility is essential to the conduct of the DA mission.

#### **32 CFR Ch. V (7-1-02 Edition)**

#### **§ 650.95 Exemptions.**

(a) An exemption from compliance with air pollutant emissions may only be requested for existing facilities. New facilities are to be designed to meet established standards.

(b) Requests for exemption from the Clean Air Act and regulations promulgated pursuant to the Act will be based on the continued operation of a particular facility being in the interests of national security and upon the requirements of Executive Order 11752. Such requests will be forwarded through channels to HQDA (DAEN-ZCE), WASH DC 20310 for necessary action.

#### **§ 650.96 Transportation Control Plans.**

(a) In addition to regulating the emissions from fixed sources, it may be necessary for a State to impose controls over transportation in order to achieve national ambient air standards. Large metropolitan areas, such as Los Angeles, California and Baltimore, Maryland are having to resort to such measures because the major portion of air pollution in those areas is caused by motor vehicles.

(b) Military installations and activities located within the area defined in EPA approved Transportation Control Plans are required to cooperate with local authorities in reducing vehicular traffic consistent with military requirements. Although the overall requirement is to reduce both military and civilian traffic, primary emphasis should be on reducing the use of privately owned vehicles. Consequently, Installation Transportation Control Plans which may be required for a particular region by Federal Regulations should be prepared and implemented as deemed necessary. Various control measures that will be considered include:

- (1) Instituting a command carpooling with carpool locator program,
- (2) Encouraging the use or expansion of public transportation service,
- (3) Restricting available parking areas to promote carpooling,
- (4) Issuing preferred parking spaces to carpool cars, and
- (5) Encourage the use of bicycles/walking for short on-post trips.